

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The objection to the drawings under 37 C.F.R. 1.83(a) is improper and should be withdrawn. The U.S. Patent and Trademark Office (“PTO”) asserts at page 2 of the outstanding office action that the first support system as presently claimed is not recited. Applicants respectfully disagree. The embodiment shown in Figure 1 has the upper end of the upper curtain portion 12 is supported by a combination of support systems. One includes the plurality of flotation units 18 (a floating support system) positioned within sleeve 16, and the other is structure 20, which is tethered to the sleeve 16 by a cable 21. The structure is explicitly described as a “floating dock, catwalk, or the like.” This support structure clearly embodies both vertical and horizontal support members, as shown in Figure 1, and is described in the specification as having these components at page 7, lines 5-12. This embodiment also shows a floating system (boom float 26) tethered to the central region. Thus, this embodiment shows the features recited in claim 1. Applicants also submit that the embodiment shown in Figure 2 similarly supports each feature of claim 1 for substantially the same reasons (i.e., showing the combination of support systems tethered to the sleeve 116) and the floating system tethered to the central region. For these reasons, the drawing objection should be withdrawn.

The rejection of claims 1 and 5-20 under 35 U.S.C. § 112, first paragraph, as lacking descriptive support for each of the various types of support systems is respectfully traversed in view of the above amendments. As noted in the July 15, 2008, advisory action, the only support system that the PTO asserts to lack descriptive support in the specification is the second support system insofar as it reads on “a permanent or semi-permanent structure comprising a plurality of pilings and one or more horizontal members spanning between adjacent pilings” or a combination including the same. In view of the above amendments to claim 1, this basis of rejection is overcome and, therefore, the rejection should be withdrawn.

Applicants nevertheless submit that new claim 21 (identical to previously presented claim 1, as presented in the July 26, 2007 response) finds descriptive support in the specification as filed, and therefore is not objectionable under 35 U.S.C. § 112, first paragraph. As noted above, the PTO only objects to the second support system insofar as it includes “a permanent or semi-permanent structure comprising a plurality of pilings and one or more horizontal members spanning between adjacent pilings” or its combination with a floating support system. Applicants submit that these features are fully supported by the specification as

originally filed. In particular, at page 6, lines 16-17, the present application explicitly recites that the “one or more support systems can be a floating support system, a permanent or semi-permanent structural installation, or a combination thereof.” The application also contains a detailed description of floating support systems at page 6, line 18 to page 7, line 4. The permanent or semi-permanent structural installations are described at page 7, lines 5-12, where it is explicitly described as a combination of vertical and horizontal support members, which “*can take the form of a pier, dock, floating dock, etc.*” Combinations of these two types, as noted above, are shown in Figure 1 and Figure 2 for the first support system. Having shown the recited claim features with respect to the first support system, and because the written specification supports the fact that *any* of the one or more support systems can be (i) a floating support system comprising a plurality of flotation units, (ii) a permanent or semi-permanent structure comprising a plurality of pilings and one or more horizontal members spanning between adjacent pilings, or (iii) a combination consisting of (i) and (ii), the application provides descriptive support for the invention of claim 21. For these reasons, claim 21 is not objectionable under 35 U.S.C. § 112.

In view of all of the foregoing, applicant submits that the present application is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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